

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANGELO ATENCIO II,

Petitioner,

Case No. 3:23-cv-00548-MMD-CLB

ORDER

v.

SHERIFF, HUMBOLDT COUNTY
NEVADA,

Respondent.

Angelo Atencio II has initiated a *pro se* action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1-1.) He seeks to challenge an Executive Warrant issued by the governor of Nevada for his extradition to California. Based on the petition and exhibits, it appears that the first Executive Warrant erroneously listed the charges pending against Atencio as domestic violence, aggravated assault/battery with deadly weapon on a household member, and a firearm enhancement. (ECF No. 1-2 at 26.) When the clerical error was discovered, the governor issued a revised Executive Warrant that specified the correct pending charge as escape. (*Id.* at 27.) It appears that Atencio seeks to challenge his detention pursuant to the first Executive Warrant. But Atencio also filed a notice of change of address that reflects that he has been extradited and is now in custody in Lassen County, California. (ECF No. 5.) As he is in custody in California pursuant to California charges, this Court lacks jurisdiction to grant him any relief whatsoever. The Court, accordingly, dismisses the petition for failure to state a claim for which relief may be granted.

It is therefore ordered that the Clerk of Court detach and electronically file the Petition (ECF No. 1-1).

1 It is further ordered that the Petition is dismissed with prejudice for failure to state
2 a claim for which habeas relief may be granted.

3 It is further ordered that a certificate of appealability will not issue.

4 The Clerk is directed to enter judgment accordingly and close this case.

5 DATED THIS 14th day of March 2024.

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8 MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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